



# **Memorandum Of Understanding With The Region VIII Tribal Nations And The Federal Emergency Management Agency**

## **INTRODUCTION**

**T**he Federal Emergency Management Agency (FEMA) is an independent Federal agency reporting to the President and is tasked with responding to, planning for, recovering from, and mitigating against disasters. FEMA is divided into regional offices with missions, functions and delegated authorities. FEMA, Region VIII is under the direction of Richard P. Weiland, Regional Director. FEMA has promulgated rules in the Federal Register codified in the Code of Federal Regulations under Title 44. On April 29, 1994, President Clinton issued a Memorandum for the Heads of Executive Departments and Agencies on Government-to-Government Relations with Native American Tribal Governments outlining principles that executive departments are to follow in their interactions with federally recognized Native American tribes. The purpose of these principles is to clarify the responsibility to ensure that the Federal Government operates within a government-to-government relationship, as permitted by law, with federally recognized Native American tribes.

FEMA Region VIII has taken a proactive role in addressing the needs of the twenty eight federally recognized tribes within its six state Region. FEMA Director James L. Witt presented a draft Agency policy on government-to-government relations with American Indian and Alaska Natives to leaders on the Standing Rock Sioux Reservation on June 24, 1997, encouraging the beginning of a government-to-government relationship between FEMA and the American Indian Tribes and Alaska Nations in building an emergency management capability to reduce the effects of disaster in Indian country. FEMA, Region VIII established a tribal cadre in 1997, to begin the government-to-government relationship with tribes on Indian reservations within the Region.

On September 25, 1998, Director Witt signed into effect the *Final Agency Policy for Government-to-Government Relations with American Indian and Alaska Native Tribal Governments*. Principles contained in this policy define the commitment of FEMA and its employees to build a strong and lasting partnership with American Indian and Alaska Native Tribal governments. It is within these parameters that I commit this Region in a government-to-government relationship with the tribal nations, as permitted by law, to a Tribal Emergency Management Coordinating Council. This council will provide a basis for a progressive partnership between FEMA and tribes in Region VIII.



## PURPOSE OF MEMORANDUM OF UNDERSTANDING (MOU)

FEMA Region VIII's objective is to establish a forum for the federally recognized tribes in Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming to consult with FEMA on emergency management issues and continue building the emergency management capability and partnership in Indian country. The Tribal Emergency Management Coordinating Council (TEMCC) will serve as the working body consisting of the twenty-eight (28) tribes in Region VIII to establish coordination and communication among the tribal nations and FEMA regarding the implementation of the FEMA Region VIII tribal policy.

## PARTIES TO MOU

**Federal Emergency Management Agency**  
Director, Region VIII  
Denver Federal Center, Building 710  
Box 25267  
Denver, CO 80225-0267

**Confederated Salish & Kootenai Tribes of  
the Flathead Reservation**  
P.O. Box 278  
Pablo, Montana 59855-0278

**Southern Ute Indian Tribe of the Southern  
Ute Reservation**  
P.O. Box 737  
Ignacio, Colorado 81137

**Crow Tribe of Montana**  
P.O. Box 159  
Crow Agency, Montana 59022

**Ute Mountain Tribe of the Ute Mountain  
Reservation**  
P.O. Box 248  
Towaoc, Colorado 81334

**Fort Belknap Indian Community of the Fort  
Belknap Reservation of Montana  
Gros Ventre & Assiniboine Tribes**  
RR1 Box 66  
Harlem, Montana 59526

**Assiniboine & Sioux Tribes of the Fort  
Peck Indian Reservation**  
P.O. Box 1027  
Poplar, Montana 59255

**Northern Cheyenne Tribe of the Northern  
Cheyenne Indian Reservation**  
P.O. Box 128  
Lame Deer, Montana 59043

**Blackfeet Tribe of the Blackfeet Indian  
Reservation of Montana**  
P.O. Box 850  
Browning, Montana 59417

**Spirit Lake Tribe**  
P.O. Box 359  
Fort Totten, North Dakota 58335

**Chippewa-Cree Indians of the Rocky  
Boy's Reservation**  
RR1 P.O. Box 544 (Rocky Boy Route)  
Box Elder, Montana 59521

**Three Affiliated Tribes of the Fort Berthold  
Reservation**  
HC-3 Box 2  
New Town, North Dakota 58763



**Turtle Mountain Band of Chippewa  
Indians of North Dakota**

P.O. Box 900  
Belcourt, North Dakota 58316

**Standing Rock Sioux Tribe of North and  
South Dakota**

P.O. Box D  
Fort Yates, North Dakota 58538

**Cheyenne River Sioux Tribe of the  
Cheyenne River Reservation**

P.O. Box 590  
Eagle Butte, South Dakota 57625

**Crow Creek Sioux Tribe of the Crow  
Creek Reservation**

P.O. Box 50  
Fort Thompson, South Dakota 57339

**Flandreau Santee Sioux Tribe of South  
Dakota**

P.O. Box 283  
Flandreau, South Dakota 57028

**Lower Brule Sioux Tribe of the Lower  
Brule Reservation**

P.O. Box 187  
Lower Brule, South Dakota 57548

**Oglala Sioux Tribe of the Pine Ridge  
Indian Reservation**

P.O. Box H  
Pine Ridge, South Dakota 57770

**Rosebud Sioux Tribe of the Rosebud  
Indian Reservation**

P.O. Box 430  
Rosebud, South Dakota 57570

**Sisseton-Wahpeton Sioux Tribe of the Lake  
Traverse Reservation**

P.O. Box 509  
Agency Village, South Dakota 57262-0509

**Yankton Sioux Tribe of South Dakota**

P.O. Box 248  
Marty, South Dakota 57361

**Northwestern Band of the Shoshoni Nation**

108 East Forest Street  
Brigham City, Utah 84302

**Paiute Indian Tribe of Utah**

440 N. Paiute Drive  
Cedar City, Utah 84720

**Skull Valley Band of Goshute Indians of Utah**

Tapal Metropolitan Plaza Ste 110 2480 S. Main St.  
Salt Lake City, Utah 84116

**Ute Indian Tribe of the Uintah & Ouray  
Reservation**

P.O. Box 190  
Fort Duchesne, Utah 84026

**Confederated Tribes of the Goshute Reservation**

P.O. Box 6104  
Ibapah, Utah 84034

**Arapahoe Tribe of the Wind River Reservation**

P.O. Box 396  
Fort Washakie, Wyoming 82514

**Shoshone Tribe of the Wind River Reservation.**

P.O. Box 217  
Fort Washakie, Wyoming 82514



## DEFINITIONS AND AUTHORITIES

1. This MOU is authorized by Executive Order 13084, May 14, 1998, The Stafford Act, 42 USC 5121, *et seq.*, Title 44 Code of Federal Regulations Chapter 1, and FEMA's Final Agency Policy for Government-to-Government Relations with American Indian and Alaska Native Tribal Governments published in the Federal Register on September 25, 1998.
2. The Tribal Emergency Management Coordinating Council (TEMCC) will consist of one representative (Member) from each of the twenty-eight (28) Tribal Nations within FEMA Region VIII. In addition, there will be one person chosen from among all of the tribal nations within Region VIII to serve as Chairperson to complete the twenty-nine member TEMCC.
3. Voting procedures for the TEMCC will be addressed by the TEMCC in the by-laws to be developed, as discussed in the next section below.

## PARTIES' RESPONSIBILITIES

1. FEMA Region VIII will provide services under existing law and regulations during any Federal major disaster or emergency declaration in Indian Country.
2. Except for the first TEMCC under the MOU, TEMCC shall be composed of representatives selected or appointed by each tribal nation in a manner specified in by-laws to be developed by the TEMCC. The first TEMCC shall be appointed in manner to be agreed upon by Tribal Nations who have signed the MOU.
3. The authorities of the TEMCC, delegated to it by the signatory Tribal Nations, under this MOU are limited to the task of establishing coordination and communication among the Tribal Nations and FEMA regarding the implementation of FEMA Region VIII policies affecting the described Tribes.
  - (a) From September 25 to 28, 2000, Tribal Leaders and Region VIII FEMA representatives met in Rapid City, South Dakota, for a conference entitled "A VISION FOR EMERGENCY MANAGEMENT IN INDIAN COUNTRY." This MOU is executed between the Tribal Nations and FEMA to provide an avenue for achieving mutual goals through an improved relationship between the Tribal Nations and FEMA. However, this MOU does not replace the framework for government-to-government relationship exercised by each of the described Tribal Nations. This MOU seeks to enhance and refine, through agreement and understanding, FEMA's trust responsibility of responding to, planning for, recovering from, and mitigating against major disasters in Indian Country.
  - (b) To develop by-laws providing for the nomination, selection or appointment of TEMCC representatives and their terms of office under this MOU.



- (c) To develop by-laws providing for the regulation of the TEMCC, defining a mission statement, specifying duties, describing removal procedures, and describing any other rules necessary to run the TEMCC in accordance with this MOU.
  - (d) To use consultants for purposes related to this MOU, providing that any compensation from FEMA must have prior approval from the Regional Director and is limited by law and regulation. Most work performed by such consultants will not be eligible for reimbursement by FEMA.
- 4. Except for the first TEMCC under this MOU, all candidates for member shall be appointed or selected in accordance with the appropriate tribal nation's custom. Members will be appointed for a period of four years in a staggered term fashion with the Chairperson and the first three representatives appointed having an initial term of two years, thereafter being appointed for a term of four years. All appointments or selections shall be done in appropriate quarterly meetings as shall be specified in the by-laws to be developed.
- 5. Nominations for appointment or selection may be initiated by the Tribal Chairperson, Tribal President or Executive Director of the federally recognized tribes in Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming and carried out in a manner as will be specified in the by-laws to be developed.
- 6. The first meeting under the Memorandum of Understanding will be held in Rapid City, South Dakota on September 25-26-27-28, 2000. Thereafter, regular quarterly meetings will be held in Denver, Colorado or as established by the TEMCC in session. Special meetings may be requested by the Chairperson of TEMCC or called by the FEMA Region VIII Director, using any method available for communication.
- 7. This Memorandum of Understanding may be amended by proposals in a regularly scheduled meeting with concurrence by the FEMA Region VIII Director. Any proposal must also be provided to each tribal nation and the Regional Director prior to the meeting scheduled for action. The council must vote on and approve each such proposal. Any amendment to this MOU must be signed and agreed to by each party to this agreement.
- 8. Any party to this agreement may terminate their participation in the MOU by providing a letter signed by an authorized official to each member of the TEMCC and the FEMA Region VIII Director.



## CERTIFICATION

**N**ow, therefore, I, Richard P. Weiland, Regional Director of the Federal Emergency Management Agency, Region VIII, do hereby affix my signature to this Memorandum of Understanding with the federally recognized officials of the Tribal Nations in the States of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming to be effective from this date and the date of the signature of the tribal officials in a meeting called or placed on the agenda for that purpose in Rapid City, South Dakota.

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Richard P. Weiland  
Federal Emergency Management Agency  
Director, Region VIII  
Denver Federal Center, Building 710  
Box 25267  
Denver, CO 80225-0267

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Date

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Southern Ute Indian Tribe of the Southern Ute Reservation

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Date

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Ute Mountain Tribe of the Ute Mountain Reservation

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Assiniboine & Sioux Tribes of the Fort Peck Indian Reservation

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Blackfeet Tribe of the Blackfeet Indian Reservation of Montana

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Chippewa-Cree Indians of the Rocky Boy's Reservation

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Confederated Salish & Kootenai Tribes of the Flathead Reservation

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Crow Tribe of Montana

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Fort Belknap Indian Community of the Fort Belknap Reservation  
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Northern Cheyenne Tribe of the Northern Cheyenne Indian  
Reservation

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Spirit Lake Tribe

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Three Affiliated Tribes of the Fort Berthold Reservation

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Turtle Mountain Band of Chippewa Indians of North Dakota

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Standing Rock Sioux Tribe of North and South Dakota

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Cheyenne River Sioux Tribe of the Cheyenne River Reservation

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Crow Creek Sioux Tribe of the Crow Creek Reservation

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Flandreau Santee Sioux Tribe of South Dakota

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Lower Brule Sioux Tribe of the Lower Brule Reservation

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Oglala Sioux Tribe of the Pine Ridge Indian Reservation

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Rosebud Sioux Tribe of the Rosebud Indian Reservation

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Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation

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Yankton Sioux Tribe of South Dakota

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Northwestern Band of the Shoshoni Nation

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Paiute Indian Tribe of Utah

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Skull Valley Band of Goshute Indians of Utah

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Ute Indian Tribe of the Uintah & Ouray Reservation

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Confederated Tribes of the Goshute Reservation

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Arapahoe Tribe of the Wind River Reservation

Date

Shoshone Tribe of the Wind River Reservation.

Date